

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF NORTH CAROLINA**  
**CHARLOTTE DIVISION**  
**FILE NO. 3:12-CV-415**

DATA DRIVEN SAFETY, INC.,

Plaintiff,

v.

DRIVER'S HISTORY, INC.,

Defendant.

**PLAINTIFF DATA DRIVEN SAFETY,  
INC.'S MOTION TO STRIKE ANSWER  
AND COUNTERCLAIM OR, IN THE  
ALTERNATIVE, MOTION TO  
DISMISS COUNTERCLAIM**

NOW COMES Plaintiff Data Driven Safety, Inc. ("DDS" or "Plaintiff"), by and through its undersigned counsel, and hereby moves pursuant to Federal Rule of Civil Procedure 12(f) to strike the Answer and Counterclaim filed by third-party Driver's History Information Sales, LLC ("DHIS"). In the alternative, Plaintiff DDS moves pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss third-party DHIS's Counterclaim. This motion is made on the grounds set forth in the memorandum of law filed contemporaneously herewith.

Wherefore, Plaintiff DDS respectfully prays the Court as follows:

1. That the Court strike the Answer and Counterclaim filed by third-party DHIS;
2. Or, in the alternative, that the Court dismiss the Counterclaim filed by third-party DHIS; and
3. That the Court grant such other and further relief as it deems just and proper.

Respectfully submitted, this the 11th day of February, 2013.

**MCGUIREWOODS LLP**

By: /s/ Lauren B. Loftis

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*Attorneys for Plaintiff Data Driven Safety, Inc.*

## **CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this 11th day of February, 2013, served the foregoing **PLAINTIFF DATA DRIVEN SAFETY, INC.'S MOTION TO STRIKE ANSWER AND COUNTERCLAIM OR, IN THE ALTERNATIVE, MOTION TO DISMISS COUNTERCLAIM** on all parties and/or attorneys of record via the CM/ECF system as follows:

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ATTORNEYS FOR DEFENDANT

/s/ Lauren B. Loftis \_\_\_\_\_